

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Tracy to construct a grade crossing of the Union Pacific Railroad Company Spur Line, Oakland Subdivision at Edgewood Terrace Drive in said City of Tracy, San Joaquin County, State of California.

Application 00-07-045
(Filed July 17, 2000;
Petition for Modification
filed August 9, 2001)

ORDER MODIFYING DECISION 01-02-021

By Decision (D.) 01-02-021, dated February 8, 2001, in Application 00-07-045, the City of Tracy (City) was authorized to construct Edgewood Terrace Drive at-grade across the spur line tracks of Union Pacific Railroad Company (RR) in the City of Tracy, San Joaquin County.

City filed a Petition for Modification to D.01-02-021 on August 9, 2001, requesting that D.01-02-021 be modified to:

1. Change the street name from Edgewood Terrace Drive to Whispering Wind Drive.
2. Change the eastbound Whispering Wind Drive roadway width from two lanes to single lane.
3. Change the crossing warning devices to automatic gate-type signals (Standard No.9) in each direction in advance of the at-grade crossing.
4. Due to delay in installation of the automatic gate-type signals, City requests temporary installation of stop signs for roadway traffic on both approaches of the crossing along with "Stop and Proceed" signs along the railroad track for train traffic.

D.01-02-021 specified installation of Standard No. 9-A, automatic gate-type signal with cantilever arms at the proposed two-lane roadway approaches to the crossing. Now the roadway width is revised to a single lane in each direction; therefore, Standard No. 9-A is not necessary. Staff recommends that Standard No. 9, automatic gate-type signal in each direction of travelway in advance of the crossing, is adequate.

The City plans to provide roadway access to the new development at the earliest possible date. RR cannot secure Standard No. 9 equipment to coincide with the City's schedule for opening the roadway. The staff has considered the City's urgent need to open this rail-highway crossing and recommends installation of stop signs for roadway and rail traffic on an interim basis for a period not to exceed one year.

A sketch of the crossing site is set forth in Appendix A.

By letter dated July 23, 2001 RR has agreed to the proposed changes.

City wishes to advertise the project for construction at the earliest possible date and has requested that the usual 30-day effective date on an order be waived. We will make our order effective immediately.

The Commission's Rail Safety and Carriers Division, Rail Crossing Engineering Safety Section staff has inspected the site of the proposed project, reviewed City's request, and recommends that the Petition for Modification of D.01-02-021 be granted.

Notice of the Petition for Modification of D.01-02-021 was published in the Commission's Daily Calendar on August 10, 2001. No protests have been filed. A public hearing is not necessary.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities

Code, the otherwise applicable 30-day period for public review and comment is being waived.

Findings of Fact

1. City requests authority under Public Utilities Code Sections 1201-1205 to:
 - a. Change the street name from Edgewood Terrace Drive to Whispering Wind Drive.
 - b. Change the eastbound Whispering Wind Drive roadway width from two lanes to single lane.
 - c. Change the crossing warning devices to automatic gate-type signals (Standard No.9) in each direction in advance of the at-grade crossing.
 - d. Authorize temporary installation of stop signs for roadway traffic on both approaches of the crossing along with “Stop and Proceed” signs along the railroad track for train traffic.
2. RR has agreed to the proposed changes.
3. Modification of D.01-02-021 is required to construct the proposed at-grade crossing.

Conclusions of Law

1. City’s request to modify D.01-02-021 should be granted as set forth in the following order.
2. The usual 30-day effective date on an order should be waived as City wishes to advertise the project for construction at the earliest possible date.

O R D E R

IT IS ORDERED that Decision (D.) 01-02-021 shall be modified as follows:

1. Ordering Paragraph 1 is modified to read, “The City of Tracy (City) is authorized to construct Whispering Wind Drive at-grade across the spur line tracks of Union Pacific Railroad Company (UP), in City of Tracy, San Joaquin County, at the location and substantially as shown by plans attached to the Petition for Modification of D.01-02-021, to be identified as Crossing 4-71.26-C.”

2. Ordering Paragraph 3 is modified to read, “Protection at the Whispering Wind Drive crossing shall be two automatic gate-type signals (Standard No.9) as specified in General Order 75-C. Pending installation of Standard No.9’s, City is authorized to open the crossing on a temporary basis for a period not to exceed one year from the effective date of this decision with stop signs on both roadway approaches to the crossing.”

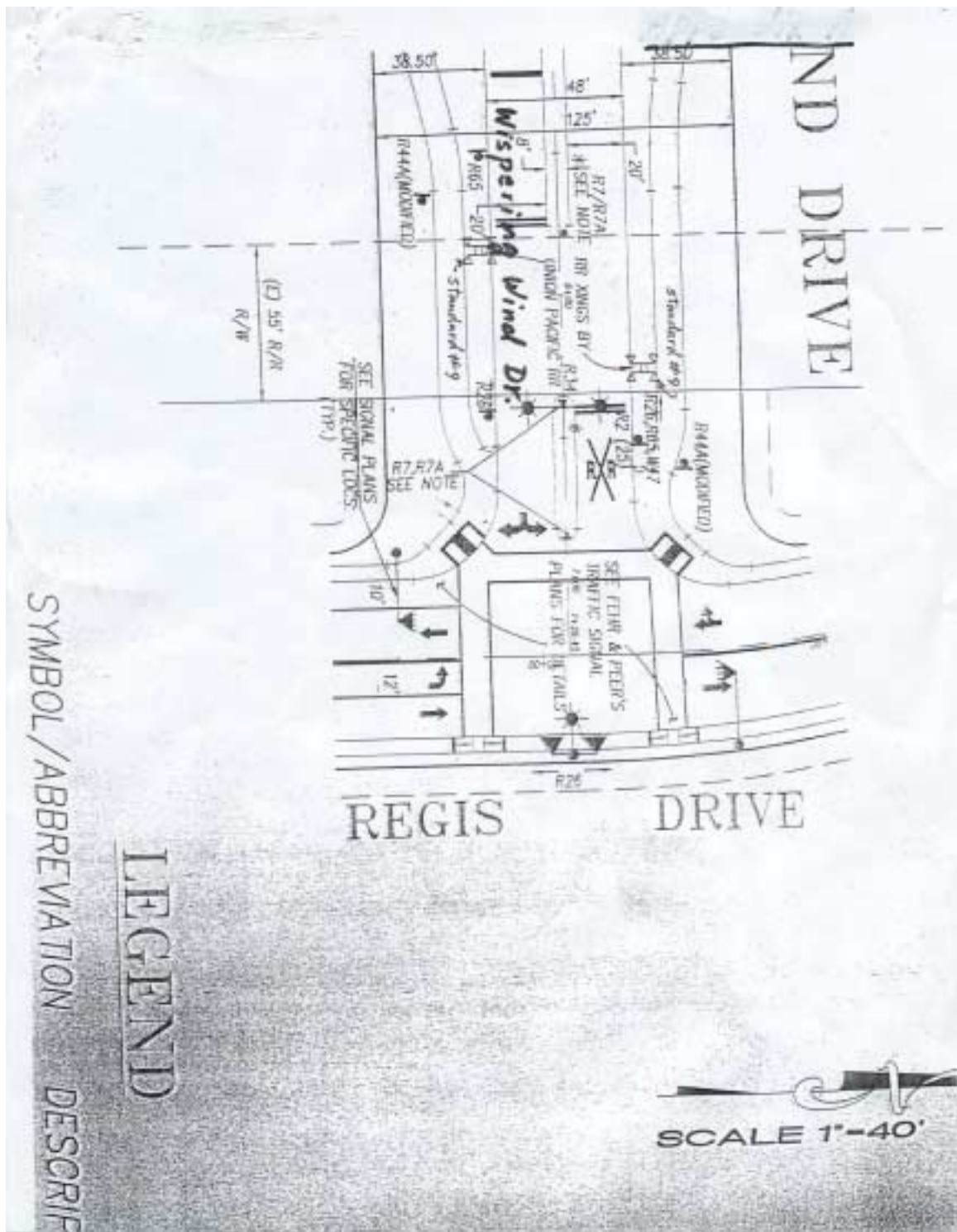
3. Pending installation of Standard No.9’s, UP shall install “Stop and Proceed” signs along the railroad track on both approaches to the crossing, instruct its employee to stop trains in advance of the crossing, and only proceed across the crossing when it is safe to do so.

4. Ordering Paragraph 4 is modified to read, “The traffic signal at the intersection of Whispering Wind Drive and St. Regis Drive shall be preempted by the railroad traffic.”

5. In all other respects D.01-02-021 shall remain in full force and effect.

This order is effective today.

Dated _____, at San Francisco, California.



(End of Appendix A)